

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2004/002632

International filing date (day/month/year)
30.01.2004

Priority date (day/month/year)
01.02.2003

International Patent Classification (IPC) or both national classification and IPC
G06F19/00

Applicant
BAXTER INTERNATIONAL INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**International application No.
PCT/US2004/002632**Box No. I Basis of the opinion**

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-28
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-28
Industrial applicability (IA)	Yes: Claims	1-28
	No: Claims	

2. Citations and explanations**see separate sheet**

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International application No.

PCT/US2004/002632**Re Item V****Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. The following documents (D) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: US-A-2003/0009244

D2: US-A-2002/0143580

D3: US-A-5991731

Article 33 PCT

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of the independent claims 1, 15, 18 and 24 does not involve an inventive step in the sense of Article 33(3) PCT.
- 2.1 Comparing claim 1 with document D1, which is considered to represent the most relevant state of the art, D1 discloses (fig. 3, 7 and 13; paragraphs 0038, 0058 and 0065):

A healthcare system for a care-giving facility, comprising:

- a medical device (Clinical Devices 210, fig. 13);
- a user interface (fig. 7);
- a first central computer (Bedside Data Concentrator 220, fig. 13) having a first database (Data Storage, par. 0038) and a first functional feature set associated with data and functions related to the medical device and the user interface, wherein the medical device and user interface communicate directly with first central computer (par. 0058);
- a second central computer (File Server 45, fig. 13) having a second database (Knowledge Resource Tool 160, fig. 3) and a second functional feature set, wherein the first central computer is connected to the second computer, wherein the medical

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device and the user interface do not communicate directly with the second central computer; and wherein the user interface can receive data from the second database relating to the second functional feature set of the second central computer through the first central computer (par. 0065).

The difference between the system in claim 1 and the one in D1 is the use of a secure connection between the first and the second central computer.

Since this feature is a common measure (see e. g. D2, paragraph 67) which the skilled person would include to the teachings of D1 without any inventive activity, claim 1 is not inventive (Article 33(3) PCT).

- 2.2 Despite the different category, claim 15 contains features from claim 1. Therefore, for the same reasons as stated in paragraph 2.1 above, the claim is not inventive (Article 33(3) PCT).
- 2.3 The features characterising claims 18 and 24 are present also in claim 1. Therefore, for the same reasons as in paragraph 2.1 above, said claims are not inventive (Article 33(3) PCT).
3. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of the dependent claims 2-14,16,17,19-23 and 25-28 does not involve an inventive step in the sense of Article 33(3) PCT.
- 3.1 The additional features of claims 2-7,10,11,13,14 and 27 are anticipated by D1,
- for claim 2 see paragraph 0044;
for claims 3,4 and 14 see paragraph 0058;
for claim 5 see paragraph 0047;
for claim 6 see Pharmacy Information System 20, fig. 2;
for claim 7 and 10 see RF Data Concentrator 225, fig. 14;

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for claims 11,13,21 and 23, see claim 1;

for claim 27 see Bedside Data Concentrator 220, fig. 13.

Therefore, the mentioned claims lack an inventive step (Article 33(3) PCT).

- 3.2 The additional features of claims 8 and 9 are standard design options, which the skilled person would apply to the teachings of D1 without the exercise of inventive activities. Therefore, said claims can not be considered as inventive (Article 33(3) PCT).
- 3.3 The additional feature of claims 12 and 22 is a well known technical procedure (see e. g. D2, par. 0071), which would be included to the teachings of D1 without the exercise of any inventive step by the skilled person. Therefore, claims 12 and 19 lack an inventive step (Article 33(3) PCT).
- 3.4 The additional feature of claims 20 and, despite the difference of category, 16 and 17 are present in claim 1 too. Therefore, for the same reasons as in paragraph 2.1 above, the claims are not inventive (Article 33(3) PCT).
- 3.5 The additional feature of claim 19 is present also in claim 1. For the same reasons as in paragraph 2.1 above, the claim is thus not inventive (Article 33(3) PCT).
- 3.6 The additional feature of claim 25 is a standard design option, which the skilled person would apply to the teachings of D1 without any inventive effort. Claim 25 is therefore not inventive (Article 33(3) PCT).
- 3.7 The additional features of claims 26 and 28 are common measures (see e. g. document D3, Study Management Center 10 and col. 2 line 58-col. 3 line 35.) which would be included by the skilled person to the subject-matter in D1 without any inventive activity. Therefore, the claims are not inventive (Article 33(3) PCT).

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